

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 03 TAIPEI 000362

SIPDIS

STATE PASS AIT/W

E.O. 12958: DECL: 01/28/2015

TAGS: [PREL](#) [PGOV](#) [TW](#)

SUBJECT: TAIPEI AGONIZES OVER RESPONSE TO ANTI-SECESSION LAW

REF: TAIPEI 266

Classified By: AIT Director Douglas Paal, Reason: 1.4 (B/D)

1. (C) Summary: Chen administration officials say they fear that action on the proposed Anti-Secession Law will deal a major blow to the government's diplomatic, cross-Straits, and domestic political interests. Concern over the PRC law is fueled by an internal assessment that the PRC law will criminalize "Taiwan independence activities," offering Beijing leverage to harass DPP political and business supporters. They also express fears that the law will be dismissed by Taiwan society, the USG, and the international community as non-threatening. Officials are urging a tough, but measured, public response, but say they fear that events, and their own president, could pull the agenda away from them. AIT has urged caution in Taiwan's public statements at least until the PRC reveals the contents of the proposed law. However, officials say that the President may repeat his January 20 public warning about holding an anti-PRC referendum in the coming days and weeks if leaders in Beijing tout plans for the new law in public fora. End Summary.

Taipei's Dilemma

2. (C) Democratic Progressive Party (DPP) and Chen administration officials say they are increasingly concerned over how the PRC's proposed Anti-Secession Law will impact on Taipei's domestic, cross-Straits, and international standing. Officials and Taiwan scholars say they fear the PRC will use the law to criminalize activities defined by Beijing as "splittist" (Reftel), a move they claim could isolate the ruling party from sectors of Taiwan society involved with business and travel to the Mainland (Comment: some also warn that PRC allies may even extradite "splittists" at Beijing's request. End Comment.). DPP Deputy Secretary General Chung Chia-bing, a member of the party's moderate New Tide faction, told AIT that the deepest fear within the ruling party is that the PRC will pass a law that will, over the long run, undermine Taiwan's de facto independence in such a subtle way that people in Taiwan and in the international community will not realize the seriousness of the threat.

3. (C) Mainland Affairs Council (MAC) Senior Secretary Jan Jyh-hong told AIT that Taipei is also concerned that the new law will push future PRC policy in negative directions. Jan predicted that the PRC law would be ambiguously worded, but less so than the current set of PRC cross-Straits policy guidelines. Jan warned that PRC hard-liners could interpret Taiwan actions in their own way and demand that policymakers fulfill the legal requirement to counter "splittist" activities. Jan added that the recent charter flight experience shows that flexibility is the only effective means to advance cross-Straits relations, and any attempt to codify policy is likely to limit Beijing's future room to maneuver. "They likely mean to constrain us with the law, but they may find that they are constraining their own ability to set the policy agenda," he remarked.

No Good Option

4. (C) According to the DPP's Chung, the Chen administration believes the best response to Beijing's moves would be to mobilize a multi-partisan mass movement to protest the law modeled on the 2003 demonstrations held in Hong Kong to protest revisions to Article 23 of the Basic Law. Chung told AIT that the DPP has asked pro-independence groups not to lead such an effort. "If the Chen government or independence activists do something, Beijing, the international community, and many in Taiwan will dismiss it as more troublemaking by Taiwan," he added. However, Chung said that thus far, the DPP has failed to convince Taiwan's public or opposition parties to mobilize. "They simply do not feel an immediate threat," he commented, "it is like a frog in a pot being boiled so slowly it doesn't realize it is being cooked." (Comment: Chung may be underestimating opposition concern. KMT Taipei Mayor Ma Ying-jeou has expressed publicly, and People First Party (PFP) Policy Chief Vincent Chang conveyed to AIT privately, deep concerns over the implications of Beijing's plans. End Comment.) Officials also fret that President Chen's track record of rocking the boat on cross-Straits relations will make it easy for Beijing to

convince the international community that the Anti-Secession Law is a harmless document.
Measured Hard-line

15. (C) DPP officials say they only have limited time to come up with a solution before pro-independence fundamentalists use the issue to seize the initiative on cross-Straits policy. Former President Lee Teng-hui organized a meeting of pro-independence leaders on January 25 to discuss a plan to turn ceremonies marking the February 28 anniversary of the Kaohsiung Incident into a mass rally against Beijing. Lee's Taiwan Solidarity Union (TSU) announced on January 27 that it would sponsor an "Anti-Annexation Law" in the Spring legislative session. Y.Y. Lee, the DPP's other Deputy Secretary General and organizer of the million-plus person

SIPDIS
2/28 "Protect Taiwan" rally in 2004, told AIT that the DPP will inevitably participate in the 2/28 rally, even if it does not organize it. He predicted that Lee Teng-hui and his allies could mobilize at least 100,000 people for an anti-Anti-Secession Law/pro-independence rally without active DPP logistical support.

16. (C) DPP officials have promised pro-independence activists the government will make a tough official response in exchange for a promise to delay their mobilization efforts. Presidential Office Deputy Secretary General James Huang explained that President Chen Shui-bian's January 20 warning (Reftel) about Taiwan enacting an "Anti-Annexation Law" or holding a referendum to protest Beijing's legislative moves were meant to warn PRC leaders against crafting a toughly-worded law. While Huang and NSC officials tell AIT that no decision has been made over specific policy measures Taipei may take in response to PRC moves, they say the president is under pressure to hang tough on the issue. Huang told AIT on January 27 that Chen may reiterate his warning about passing a countervailing law or holding an anti-PRC referendum if senior level PRC officials publicly raise the Anti-Secession Law. Strait Exchange Foundation (SEF) Deputy Secretary General Yen Wan-ching, a confidante of NSC Secretary General Chiou I-jen, told AIT on January 27 that Chiou ordered the Mainland Affairs Council (MAC) to downgrade planned feel-good PR efforts surrounding the launch of cross-Straits Lunar New Year charter flights so as not to conflict with a possible high-level public warning from the president over the Anti-Secession Law. MAC's Jan told AIT that while MAC is urging restraint, "there are many over at the Presidential Office who want to hit Beijing hard on the issue."

Stop Us Before We Provoke Again

17. (C) Chen administration officials acknowledge to AIT that Chen's threats and planned actions by pro-independence groups could create a vicious cycle that will only harden Beijing's resolve to pass a tough law in March. Huang and other Taiwan officials say they have been reassured by their recent exchanges with U.S. counterparts in Washington and Taipei that the USG does not take the PRC's moves over the Anti-Secession Law lightly. Huang, MAC's Jan, and SEF's Yen told AIT on January 27-28 that they would positively convey AIT's request for caution to President Chen and NSC SecGen Chiou. Huang told AIT that, at the very least, he would coordinate with AIT before Chen makes any sharp statements to the media over the Anti-Secession Law. The DPP's Chung urged Washington to go a step further and convey to Beijing the message that its moves over the Anti-Secession Law were undermining the PRC's own interests. "We have finally moved the political process back onto a more moderate course," he added, "but this could derail everything and bring us back to the counter-productive cycle of the past two years." The DPP's Lee warned, however, that nothing short of a full reversal on Beijing's part will prevent the law from triggering a new cycle of public recriminations. "The contents don't matter, all they have to do is pass a law with the words 'Anti-Secession' in it and you will have a strong push-back from Taiwan," he warned.

Comment: A Closing Window?

18. (C) Chen administration officials are clearly driven by a sense of foreboding over what may happen during the coming three months over the Anti-Secession Law. It is taken as almost an article of faith among Chen administration officials that the PRC Law will criminalize "Taiwan independence activities," broadly defined, giving Beijing a lever to single out and punish DPP leaders and their business supporters at a time of their choosing. Many also say they feel isolated, both internally and internationally, in their concerns over the PRC law. These two assumptions are driving the policy process in assertive, and counterproductive, directions. AIT will continue to urge Taiwan officials to

exercise restraint until it sees the actual contents of the proposed law. However, with the planned 2/28 rallies in February, the opening of the National People's Congress (NPC) in March, and the campaign for Taiwan's National Assembly in April, the calendar does not lend itself to moderate discourse.

PAAL